

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into
Implementation of Assembly Bill 970 Regarding
the Identification of Electric Transmission and
Distribution Constraints, Actions to Resolve
Those Constraints, and Related Matters Affecting
the Reliability of Electric Supply.

Investigation 00-11-001
(Filed November 2, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING PHASE 6 EVIDENTIARY HEARINGS**

On May 23, 2003, Southern California Edison Company (SCE) filed a motion to postpone the evidentiary hearings in Phase 6 of this proceeding, which had been scheduled for June 9 through June 13, 2003. An Administrative Law Judge (ALJ) ruling dated June 2, 2003, cancelled the Phase 6 hearings for June 12 and June 13, 2003. The California Independent System Operator (ISO) and Oak Creek Energy Systems, Inc. and the Kern Wind Energy Association (Oak Creek) filed responses to SCE's motion, and SCE replied to the ISO's response. SCE's motion is denied. The Phase 6 evidentiary hearings will proceed on June 9 through June 11, 2003.

SCE also filed a motion on May 23, 2003, to strike portions of Oak Creek's direct and rebuttal testimony which was distributed in advance of the evidentiary hearings. Oak Creek filed a response. Because the structure of the Renewable Portfolio Standard (RPS) procurement process is outside the scope of Phase 6 of this proceeding, SCE's motion to strike the portions of Oak Creek's testimony that SCE characterizes as Excerpt 1 and Excerpt 2 is granted. The portion of Oak Creek's testimony characterized as Excerpt 3 focuses on the

timing of obtaining transmission cost estimates rather than on how those costs are incorporated into RPS bids. As a result, SCE's motion to strike Excerpt 3 is denied. Excerpts 4 through 9 identified by SCE are acceptably within the scope of rebuttal testimony, and SCE's motion to strike is denied with respect to these portions of Oak Creek's testimony.

Hearings shall commence at 10 a.m. on June 9 and at 9:30 a.m. on June 10 and June 11. There will be a lunch break from approximately noon until 1:30 p.m. and an afternoon break each day, as well as a morning break on June 10 and June 11 only. In order to make full use of hearing time, parties shall distribute all exhibits, to the greatest extent possible, before hearings commence each day or during breaks. Any corrections to prepared exhibits shall be made in writing rather than orally, e.g., through supplemental exhibits. Parties shall provide one copy of each exhibit to the court reporter and two copies of each exhibit to me, and shall bring enough copies of any new exhibits for distribution to hearing participants. I plan to hold off-the-record discussions, e.g., regarding the briefing schedule, before hearings commence each day or during breaks, as appropriate.

Parties have submitted estimates of cross-examination time and have requested dates certain for specified witnesses. Subject to modification, witnesses shall appear and cross-examination shall proceed as follows:

<u>Date</u>	<u>Witness</u>	<u>Cross-examination time (hours)</u>			
		<u>SCE</u>	<u>ISO</u>	<u>Oak Creek</u>	<u>PG&E</u>
June 9	R. Sparks	3.0		1.2	
June 10	H. Romanowitz & W. Russell	2.5	1.2		0.5
June 11	M. Stark & J. Chacon		1.1	3.1	

SCE witnesses should be “on call” to begin their testimony on June 9 or June 10, in case the scheduled witnesses do not require the full day.

I gave parties advance electronic notice of this ruling on June 4, 2003, due to the shortness of time.

Therefore, **IT IS RULED** that:

1. The motion by Southern California Edison Company (SCE) to postpone the evidentiary hearings in Phase 6 of this proceeding is denied.
2. SCE’s motion to strike portions of the direct and rebuttal testimony of Oak Creek Energy Systems, Inc. and the Kern Wind Energy Association is granted in part and denied in part as set forth in the body of this ruling.
3. The hearing procedures set forth in the body of this ruling shall be followed.

Dated June 5, 2003, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Phase 6 Evidentiary Hearings on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated June 5, 2003, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.